

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1012 of 2020

- Sonu Saini & Anr. S/o Lakhami Chand Aged About 36 Years R/o Village Taprana, Tahsil- Karnal, Police Station Sadar, District Karnal, Haryana., District : Karnal, Haryana
- Sushil Saini S/o Atar Singh Aged About 37 Years R/o Village Taprana, Tahsil- Karnal, Police Station Sadar, District Karnal, Haryana., District : Karnal, Haryana

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Bhanpuri, Jagdalpur, District- Bastar, Chhattisgarh.

---- Respondent

For Applicants	: Smt. Kiran Jain, Advocate
For Respondent /State	: Shri Samir Sharma, Dy.GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

28/05/2020

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No.05/2020 registered at police station Bhanpuri, Jagdalpur, district Bastar (CG) for the offence punishable under Section 20 (B)(ii)(B) of the Narcotics Drugs and Psychotropic Substances Act.

As per prosecution case, on receiving secret information, the police party reached the spot and seized 10 kgs. of ganja each from the possession of the applicants which was being carried by them in

a motorbike.

Counsel for the applicants submits that the applicants have been falsely implicated in the case and the mandatory provisions of NDPS Act have not been complied with. He submits that the seizure and memorandum witnesses have not supported the prosecution case before the trial court. He further submits that the applicants are in jail since 11-01.2020 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicants, I am inclined to release them on regular bail. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicants' furnishing a personal bond in the sum of Rs. 50,000/- with one local surety each for the like sum to the satisfaction of the concerned Court, they shall be released on bail.

It is made clear that if the applicants' have already been released on bail pursuant to the bail bonds already furnishing in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **In Re: Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (C) No. 1/2020), they need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order

of this Court, but if they have not furnished the bail bonds earlier, then they will be required to furnish bail bonds within four weeks' from today.

Sd/-
(Rajani Dubey)
Judge

suguna